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No. 664

Supreme Court, U.S.
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In The Supreme Court of The United States

Term, 1970

DESERT OUTDOOR
ADVERTISING, INC.,

Appellant,

vs.

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Appellee.

On Appeal From the Appellate Department
of the Superior Court of the State of California,
In and For the County of Riverside

JURISDICTIONAL STATEMENT

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Attorneys for Appellants.

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IN THE

SUPREME COURT OF THE UNITED STATES

No. ____

DESERT OUTDOOR ADVERTISING, INC.

Appellant,

vs.

THE PEOPLE OF THE STATE OF CALIFORNIA,

Appellee.

On Appeal From the Appellate Department
of the Superior Court of the State of California,
In and For the County of Riverside

JURISDICTIONAL STATEMENT

Appellant appeals from the final order, entered on February 1, 1971, by the Appellate Division of the Superior Court of California, in and for the County of Riverside, denying certification of this case to the Court of Appeal of California, and affirming the judgment of conviction of Appellant. The judgment of conviction was entered by the trial court on April 20, 1970 and was affirmed on December 28, 1970 by the Appellate

Division of the Superior Court. This statement is submitted to show that the Supreme Court of the United States has jurisdiction of the appeal and that substantial federal questions are presented.

OPINION BELOW

The memorandum decision of the Appellate Department of the Superior Court was entered without opinion, and is not officially reported. A copy of the decision is attached hereto as Appendix "A". The judgment of conviction by the trial court was not officially reported and was not formally entered. A copy of portions of the Clerk's minutes in said action are attached hereto as Appendix "B". A copy of the minute order denying certification to the Court of Appeal is attached as Appendix "C".

JURISDICTION

This is a misdemeanor criminal action brought against Appellant outdoor advertising corporation for alleged violation of Riverside County Zoning Ordinance No. 348. The corporation was convicted of two counts of violation of Article III, Section 3.1a of said ordinance, for "wilfully and unlawfully maintaining outdoor advertising signs not appurtenant to a permitted use." A judgment of conviction was entered on April 20, 1970 as to both counts by the Municipal Court, Desert Judicial District, Palm Springs Department of Riverside County, California.

Appellant filed a Notice of Appeal to the Appellate Division of the Superior Court of Riverside County on

April 28, 1970; and said Appellate Division entered a decision affirming the convictions, without opinion, on December 28, 1970. Appellant applied to have the case certified for further appellate review to the Court of Appeal of California, and the application was denied by minute order dated February 1, 1971. Notice of Appeal to the Supreme Court of the United States was filed on April 9, 1971.

The jurisdiction of the Supreme Court to hear this appeal rests upon 28 U. S. C. §1257(2). This appeal draws in question the validity of a California county zoning ordinance and its enforcement, on the grounds of their being repugnant to the 14th Amendment to the Constitution of the United States.

The following decisions sustain the jurisdiction of the Supreme Court to review the judgment on direct appeal in this case:

1. The Supreme Court will review on appeal a criminal conviction in which the criminal ordinance is attacked as being vague, uncertain and ambiguous, resulting in a denial of due process of law.

   Lanzetta vs. New Jersey, 306 U. S. 451;
   Stromberg vs. California, 283 U. S. 359, 368-369;
   Connally vs. General Construction Co., 289 U. S. 385, 391

2. Intentional discriminatory enforcement of a penal statute constitutes a denial of equal protection of the law

as guaranteed by the 14th Amendment.

Yick Wo vs. Hopkins, 118 U. S. 356;
Ah Sin vs. Wittman, 198 U. S. 500
(jurisdiction taken on appeal.)

3. The Supreme Court will consider on appeal a federal question which might be reviewed under certiorari when that federal question (i. e. intentional discriminatory enforcement) is brought in addition to an issue properly reviewable by appeal.

Flournoy vs. Weinder, 321 U. S. 253, 263;
Prudential Insurance Co. vs. Cheek, 259 U. S. 530, 547;

STATUTES INVOLVED

Pertinent sections of Riverside County Zoning Ordinance No. 348 are set forth as Appendix "D".

QUESTIONS PRESENTED

1. Section 3. 1a of the Ordinance is unconstitutionally vague, uncertain and ambiguous.

2. Appellant was precluded from offering evidence to show intentional discriminatory enforcement of the ordinance against Appellant by the County of Riverside.

STATEMENT OF THE CASE:

A. HOW THE FEDERAL QUESTIONS HAVE BEEN PRESENTED

The federal questions presented here were raised by Appellant by extensive argument and evidence tendered to the trial court, and by detailed argument in Appellant's brief before the Appellate court. Both questions have been the basic substance of Appellant's defense at every stage of this criminal action.

The trial court overruled Appellant's motions for acquittal based upon these two grounds, and refused to admit documentary evidence offered by Appellant to prove intentional discriminatory enforcement of the ordinance. The federal questions were raised on appeal as sections II, III and IV of Appellant's brief below.

B. FACTUAL BACKGROUND

Appellant is a corporation which has as its primary business the ownership and leasing of advertising signboards in Riverside and other California counties. Riverside County enacted zoning ordinance No. 348, amended effective September 22, 1960, to set forth various zoning classifications within the county and specifying the uses permitted in each zone. Article III of the ordinance refers to the "M-3" zone, and at Section 3.1(a) reads as follows:

"Section 3.1 USES PERMITTED.

(a) Any use permitted in Zones M-4, A-2, and W-2 except outdoor

> advertising signs or structures not appurtenant to a permitted use."

In other sections of the ordinance outdoor advertising is prohibited in Zone M-4, and not mentioned as a permitted use at all in Zones A-2 and W-2. Section 18.6(b) (3) provides that non-conforming outdoor advertising signboards which were in existence as of September 22, 1960, may be maintained for a period of five years. Section 22.5 provides criminal penalties for uses not in conformity with the ordinance. (See Appendix "D" for all pertinent sections of the ordinance.)

Appellant is the owner of approximately 82 signboards located on land in the "M-3" zone. Appellant's principal competitors in Riverside County, RYAN OUTDOOR ADVERTISING, INC. (RYAN) and UNITED OUTDOOR ADVERTISING CO. (UNITED) own approximately seventy-six signboards located within the M-3 zone. Appellant, RYAN and UNITED have all brought legal actions in the Superior Court of Riverside County to have the zoning ordinance declared to be unconstitutional, null and void. (Appellant's action in the Riverside Superior Court numbered 96456, and the action brought in RYAN and UNITED is number 92255.) On May 29, 1967, the County of Riverside entered into a stipulated injunction restraining the county from enforcing the ordinance against RYAN's and UNITED's non-conforming use signboards in the M-3 zone. Said stipulated injunction contained an attached list showing eleven signboards admittedly erected subsequent to September, 1960, and thus not within the protection of the order. At the same time, the County of Riverside steadfastly refused to enter into such a stipulated injunction with appellant, and has thwarted appellant's attempts to obtain such

injunctive relief.

The District Attorney of Riverside County brought this criminal action against appellant as to six signboards which were in existence prior to September 22, 1960, while at the same time the County has taker no action whatever against RYAN and UNITED, even as to those signboards admitted to not be within the protection of the restraining order.

At the trial herein, Appellant offered into evidence copies of the stipulated injunction, copies of the attached list of signboards owned by RYAN and UNITED in the M-3 zone, and testimony that RYAN's signs were still standing without any attempt by the County to enforce the ordinance against them. The documents offered, all official court records, were thus absolute evidence of the County's refusal to enforce the ordinance against Appellant's competitors. The trial court prohibited Appellant from showing the intentional discriminatory enforcement of the ordinance, thereby denying Appellant the equal protection of the law.

C. THE ISSUES ARE SUBSTANTIAL

Appellant stands convicted of a county ordinance which is patently ambiguous and unintelligible. The section of which Appellant is accused is insufficient in itself to charge a crime. The references to other sections of the ordinance supply no help whatever. It is thus impossible to determine from the ordinance what conduct is being proscribed.

In addition, the County is enforcing the ordinance against Appellant in a wilfully arbitrary and

discriminatory way, and Appellant has been precluded by the court from introducing incontrovertable evidence of that intentional discrimination. Appellant is a victim of denial of due process and of the equal protection of the law, and the State of California has provided no adequate remedies. The judgment of conviction should therefore be reversed.

Respectfully submitted,

J. PERRY LANGFORD
Counsel of Record

DAVID K. KROLL
Attorneys for Appellant.

APPENDICES

APPENDIX "A"

OPINION OF APPELLATE DEPARTMENT,

SUPERIOR COURT

FILED
RIVERSIDE COUNTY
DEC 28 1970

DONALD D. SULLIVAN,
Clerk

By_____Deputy

SUPERIOR COURT OF CALIFORNIA,

COUNTY OF RIVERSIDE

(APPELLATE DEPARTMENT)

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff & Respondent, vs. DESERT OUTDOOR ADVERTISING, INC., Defendant & Appellant.	Case No. A-292 DECISION ON APPEAL

The judgment of the Municipal Court, Desert Judicial District, is hereby affirmed.

---------- awarded costs on appeal.

Dated: December 28, 1970

John Neblett

E. Scott Dales

W. B. Slaughter
Judges of the Appellate Department

DECISION ON APPEAL

APPENDIX "B"

MINUTES OF JUDGMENT, TRIAL COURT

IN THE MUNICIPAL COURT OF DESERT,

JUDICIAL DISTRICT

COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,	Case No. 12443
vs.	
SOUTHERN PACIFIC LAND COMPANY & DESERT OUTDOOR ADVERTISING, INC., Defendant	

Date 19 69 MISDEMEANOR Minutes of PROCEEDINGS
PAGE I

***

Date 4-20-70

CAUSE CALLED FOR:

_____Arraignment _____Trial by Court
_____Plea _____Trial by Jury
_____Sentencing For Further Proceedings

PRESIDING JUDGE William Christensen
PEO. represented by DDA Karl Lee
Court Clerk Marian Boyajian
Bailiff Delmar Berghoefer

Reporter_____
Defendants present in Court with counsel David Kroll.

Oral arguments heard by the court.

APR-27-70 151566 12443 B — 625.00

Matter continued to 1:30 P.M. this afternoon.

Defendant's Points and Authorities in Support of Acquittal filed

APR-27-70 151566 LST 00 500.00
APR-27-70 151566 LSTPOT 125.00
APR-27-70 151566 LST — 625.00

Defendant waives time for sentence.

Defendants arraigned for Judgment and there being no legal cause why Judgment should not be pronounced:

COURT DISMISSED CASE AS AGAINST DEFENDANT SOUTHERN PACIFIC LAND COMPANY AND FINDS DEFENDANT DESERT OUTDOOR ADVERTISING, INC., GUILTY AS CHARGED.

DEFENDANT'S MOTION UNDER SECTION 1118 P.C. DENIED.

(next page)

IN THE MUNICIPAL COURT OF DESERT,

JUDICIAL DISTRICT

COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

	Case No. 12443
THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs.	Complaint charges following violation/s: Count 1: County Ord. #348, Art. III, Sec. 3.1a, a misd.
SOUTHERN PACIFIC LAND COMPANY & DESERT OUTDOOR ADVERTISING, INC., Defendant	Count 2: Same as above, (2 counts) Count 3: Complaining Witness:

Date 19 70 PROCEEDINGS PAGE 5

COUNT I: County Ord. #348, Art. III, Sec. 3.1a, a misd.

JUDGMENT: WHEREFORE, it is by the Court ORDERED that the defendant is guilty of the crime as charged, and that for said offense, said defendant pay a fine in the sum of $500.00.

IT IS FURTHER ORDERED that $250.00 of said fine be suspended.

COUNT II: County Ord. #348, Art. III, Sec. 3.1a, a misd.

JUDGMENT: WHEREFORE, it is by the Court ORDERED that the defendant is guilty of the crime as charged, and that for said offense, said defendant pay a fine in the sum of $500.00.

IT IS FURTHER ORDERED that $250.00 of said fine be suspended.

Pursuant to the provisions of section 13521 of the Penal Code, the Court assesses a penalty against said defendant in the sum of $125.00 and enters judgment against said defendant for said $125.00 penalty.

SAID COUNTS TO RUN CONSECUTIVELY ON CONDITION THE SIGNS ARE REMOVED WITHIN 30 DAYS.

4-27-70 FINE AND PENALTY PAID IN FULL.
(rung on page 4)

4-28-70 Notice of Appeal filed together with declaration of service by mail.

5-4-70 Certified copy of docket mailed to Carol Buxbaum.

APPENDIX "C"

MINUTE ORDER DENYING CERTIFICATION

TO COURT OF APPEAL

SUPERIOR COURT OF THE STATE OF CALIFORNIA,

COUNTY OF RIVERSIDE

Title:		Date &	Number:
PEOPLE vs	DESERT OUTDOOR ADVERTISING, INC.	Dept. 2-1-71 6	A-292
Respondent	Appellant	Appellate	

Counsel:		Reporter:
District Attorney	Swing, Scharnikow, Lewis & Kroll	None

Proceeding:

Ruling re: Application for Certification to District Court of Appeal

The Court, after having reviewed and considered the Application for Certification to District Court of Appeal and the Opposition to Application for Certification to District Court of Appeal, orders that said application be and it is hereby denied.

/	R/A	CAL.	/2	ATTY(S).	

DALES
SLAUGHTER, Judge

Melzer , clerk

MINUTES OF SUPERIOR COURT

APPENDIX "D"

RIVERSIDE COUNTY ZONING ORDINANCE NO. 348

(PERTINENT SECTIONS)

ARTICLE XIa

M-4 ZONE (LIMITED INDUSTRIAL)

The following regulations shall apply in all M-4 Zones:

SECTION 11.25. USES PERMITTED.

(a) General Manufacturing and business uses except the following:

1. Abattoir (slaughterhouse)
2. Airport or landing field
3. Blast furnace
4. Borrow pit, commercial
5. Commercial cattle feeding yard or sales or auction yard. This does not include cattle feeding in conjunction with farming operations or community auction and sales yards.
6. Cemetery, pet or human
7. Coke ovens
8. Drive-in theater
9. Fat rendering
10. Fish cannery
11. Incineration, reduction or dumping of offal, garbage or refuse on a commercial scale.
12. Manufacture of:
    (1) Asphalt or products
    (2) Brick, tile or terra cotta

(3) Carbon, lampblack or graphite
(4) Cement
(5) Creosote or products
(6) Explosives
(7) Fertilizer, including open storage on a commercial scale
(8) Gypsum
(9) Tar or asphalt roofing
(10) Acid or chlorine

13. Ore reduction plant
14. Rifle range, including pistol or shotgun
15. Rock crusher or quarry
16. Rock, sand or gravel pit
17. Sewer farm or sewage disposal
18. Stockyards, commercial, except in conjunction with farming
19. Trailer parks
20. Dairies
21. Outdoor advertising
22. The testing or commercial use of explosives for any purpose.

(b) Dwellings on the same lot as a factory or industry and owned by or used exclusively by the caretaker or superintendent of such factory and his family.

(c) Auto wrecking yards pursuant to the regulations contained in Section 12.1 (d).

AMENDED EFFECTIVE: January 15, 1964
(Ord. 348.251)
AMENDED EFFECTIVE: November 10, 1965
(Ord. 348.401)
AMENDED EFFECTIVE: January 19, 1966
(Ord. 348.422)

SECTION 15.50. W-2 ZONE. (CONTROLLED DEVELOPMENT AREA)

STATEMENT OF POLICY. There are certain areas in the County which by virtue of their peculiar character with respect to location, climatic conditions, topography, and natural resources are unique. The Board of Supervisors finds that such areas should be developed only after approval of the type and method of use in the manner hereinafter set forth.

SECTION 15.51. USES PERMITTED IN W-2 ZONE.

(a) Residential and Light Agricultural Uses.

(1) Any use permitted in the R-1 and A-1 Zones, subject to the conditions set forth therein.

(b) Public, Semi-public and Commercial Uses. The following uses shall be permitted provided approval of a plot plan shall first have been obtained pursuant to the provisions of Section 18.30:

(3) Hotels, motels, and apartment buildings.
(4) Guest ranches.
(5) Educational institutions, including governmental and civic uses.
(6) Golf, civic, tennis, polo or country clubs.
(7) Commercial stables or riding academies.
(8) Commercial uses for the convenience of and incidental to any of the above permitted public and semi-public uses when located upon the same lot or parcel of land.

(c) Public Utility Uses.

(1) Structures and installations necessary to the conservation and development of water such as dams, pipe lines, water conduits, tanks, reservoirs, wells and the necessary pumping and water production facilities.
(2) Structures and the pertinent facilities necessary and incidental to the development and transmission of electrical power and gas such as hydro-electric power plants, booster or conversion plants, transmission lines, pipe lines and the like.
(3) Radio broadcasting stations.
(4) Telephone transmission lines, telephone exchanges and offices.
(5) Railroads, including the necessary facilities in connection therewith.
(6) Television broadcasting stations, antennas, and cable installations.

(d) The following industrial and other uses provided a permit shall have first been obtained from the Board of Supervisors as provided in Article III.

(1) Airport or landing field.
(2) Borrow pit, commercial.
(3) Cemetery - pet or human.
(4) Lumber mill.
(5) Lumber production of a commercial nature, including commercial logging or commercial development of timber.

(6) The manufacture of:
  (a) Brick, tile or terra-cotta.
  (b) Cement.
  (c) Gypsum.
  (d) Lime or lime products.
(7) Trailer parks.
(8) Public and private camp grounds.
(9) Migrant Agricultural Worker Mobile-home Parks.
(10) Race tracks, including but not limited to contests between automobiles, horses, go-carts, and motorcycles, but not including contests between human beings only.
(11) Motorcycle scramble courses.
(12) Commercial fairgrounds and exhibitions.
(13) Drive-in theaters.
(14) Rifle, pistol, or trapshooting ranges.

(e) Heavy Agricultural Uses. The following heavy agricultural and other uses, provided a permit shall have first been obtained from the Board of Supervisors in the manner provided in Article III.

(1) All general agricultural pursuits on a commercial scale, including:

  (a) Grazing, feed yards, salesyards, commercial stables and riding academies.
  (b) Hog ranches subject to the provisions of Ordinance No. 431, as amended.
  (c) Menageries; alligator, ostrich or fox farms; sheep and goat raising; animal hospitals; commercial dog kennels and dog breeding

establishments; mushroom farms and dairies.

(d) Fruit and vegetable packing plants and similar uses.

(e) Fairgrounds of a public nature including commercial uses accessory or appurtenant thereto.

SECTION 15.52. BUILDING HEIGHT LIMIT. For residential, agricultural and commercial uses, the same as in the zone in which such use is first ordinarily or primarily permitted. For public utility uses, none. For industrial uses, none, except that the Board of Supervisors may in the granting of a permit, attach such conditions as to height of structures as may be necessary to assure that the intent and purpose of this ordinance are observed and the public health, safety and general welfare is secured.

SECTION 15.53. REQUIRED LOT AREA. Five acres, including the area to the center of the adjacent streets, shall be the minimum lot used for any purposes except as follows:

(a) Public utility uses as set forth in Section 15.51.

(b) Where a subdivision map has been recorded pursuant to all provisions of Riverside County Ordinance No. 460, including a report regarding flood hazard from the public agency having jurisdiction.

(c) Where a development plan has been approved

by the Planning Commission pursuant to the following standards:

(1) The development plans shall be drawn to scale and show the complete boundaries of the subject property, adjacent streets and easements, drainage structures, existing utility facilities, and other features affecting the use of the property.

(2) The plan shall show the proposed use, including access easements. Supplementary information describing available utilities and sources of water supply shall accompany the map.

(3) Use shall be made under a development plan within one year or its approval shall be void.

(4) Where an easement serves 2 or more sites the easement shall be improved in a manner to assure that proper access and drainage will be maintained.

(d) In no event shall any lot or parcel of land in Zone W-2, whether in a subdivision, record of survey development plan, or acreage be divided into 2 or more lots or parcels of less than 5 acres each until the applicable regulations of Subsections (b) or (c) have been complied with.

SECTION 15.54. CONFORMANCE TO OTHER ZONE REQUIREMENTS.

Where a structure is erected or a use is made which is expressly and specifically permitted in one or more

other zones under this ordinance, such structure or use shall be subject to the most restrictive requirements and regulations or any zone in which such structure or use is expressly and specifically permitted.

AMENDED EFFECTIVE: September 4, 1962
AMENDED EFFECTIVE: June 16, 1965
(Ord. 348.371)
AMENDED EFFECTIVE: March 23, 1966
(Ord. 348.427)
AMENDED EFFECTIVE: July 27, 1966
(Ord. 348.459)
AMENDED EFFECTIVE: April 17, 1968
(Ord. 348.556)

ARTICLE XIV

A-2 ZONE (HEAVY AGRICULTURE)

SECTION 14.1. STATEMENT OF POLICY. (Same as in A- Zone.)

SECTION 14.2. USES PERMITTED.

(a) Commercial poultry operations, without an acreage limitation.
(b) Dairy farms.
(c) Livestock sales yard, commercial stable, riding academy, menagerie, animal hospital, commercial dog kennel, fruit or vegetable packing plant, public fairgrounds and usual commercial use appurtenant thereto.
(d) Hog ranches, subject to provisions of other

ordinances.

(e) Subject to permit in the manner provided by Sections 3.2 to 3.6:
  (1) Commercial cattle feeding yards.

(f) Any other agricultural use.

(g) Any use, other than agricultural, permitted in the A-1 Zone.

(h) Not more than two on-site signs advertising products raised or produced or services rendered thereon, provided the area of each sign does not exceed 100 square feet.

(i) The following uses are permitted upon approval of a plot plan pursuant to Section 18.30, which approval may include conditions requiring fencing and landscaping of the parcel to assure that the use is compatible with the surrounding area.
  (1) Grange, civic, and community halls.
  (2) Farm labor camps.
  (3) Churches, temples, or other structures used primarily for religious worship.
  (4) Private schools.
  (5) Libraries.
  (6) Public utility facilities.
  (7) Canning, freezing, packing plants and drying yards not in conjunction with a farming operation.

SECTION 14.3. BUILDING HEIGHT LIMIT. (Same as in A-1 Zone.)

SECTION 14.4. FRONT YARD REQUIRED. (Same as in A-1 Zone.)

SECTION 14.5. SIDE YARD REQUIRED. (Same as in A-1 Zone.)

SECTION 14.6. REQUIRED LOT FRONTAGE. (Same as in A-1 Zone.)

SECTION 14.7. ADDITIONAL DWELLINGS ON A LOT. (Same as in A-1 Zone.)

SECTION 14.8. REQUIRED LOT AREA. The minimum lot area is 20,000 square feet unless a different minimum area is specified for a particular area or use, provided, however, that the uses listed in Section 14.2 (i) are not subject to minimum area requirements that exceed 20,000 square feet.

SECTION 14.9. WATER WORKS FACILITIES. (Same as in A-1 Zone.)

AMENDED EFFECTIVE: December 18, 1963
(Ord. 348.242)
AMENDED EFFECTIVE: December 22, 1965
(Ord. 348.414)
AMENDED EFFECTIVE: July 27, 1966
(Ord. 348.459)
AMENDED EFFECTIVE: December 6, 1967
(Ord. 348.534)

ARTICLE XVIII

GENERAL PROVISIONS

SECTION 18.1. CONFLICTING REGULATIONS. Whenever any provision of this ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the

provisions of any other law, ordinance, restriction or covenant, then the provisions of this ordinance shall govern.

SECTION 18.2. SCOPE. No building or land or any portion thereof shall hereafter be erected or used except in conformity with the provisions of this ordinance.

SECTION 18.6. NONCONFORMING BUILDING AND USES. The following regulations shall apply to all nonconforming buildings and uses existing on the effective date of this ordinance:

(a) Any nonconforming building or use may be continued and maintained for periods of time set forth in subdivision (b) of this section provided there are no structural alterations except as provided in Sections 18.7 and 18.8 of this ordinance. Agricultural uses not involving the erection or maintenance of permanent improvements inconcistent [sic] with the zoning shall not be subject to the operation of this section.

(b) A nonconforming use may be maintained for the following periods of time:

1. Where the property is unimproved, 1 year.
2. Where the only improvements are structures, the replacement of which would not require a building permit, 3 years.
3. Outdoor advertising, 5 years.
4. General commercial uses such as those primarily permitted in C Zones, 30 years.
5. General manufacturing uses such as

primarily permitted in M Zones, 40 years.

6. Where a mobilehome is used for residential purposes, and,
   a. The lot is improved with a sewage disposal system approved by the Health Department, three years;
   b. The lot is improved with a sewage disposal system approved by the Health Department and a 200 square foot concrete slab or wooden deck, five years;
   c. The lot is improved with a sewage disposal system approved by the Health Department, a 200 square foot concrete slab or wooden deck, and a ramada or cabana which has been approved by the Department of Building and Safety, eight years.
7. Commercial poultry operations, unless specified otherwise as a condition to a continued use in a particular zone or zones, 15 years.
8. Dairy farms and all structures appurtenant thereto, 30 years.

(c) Any part of a building or land occupied by a nonconforming use which is changed to or replaced by a use conforming to the provisions of this ordinance as they apply to the particular zone shall not thereafter be used or occupied by a nonconforming use.

(d) Any part of a building or land occupied by a nonconforming use, which use is discontinued for one (1) year or more, shall thereafter be used in conformity with the provisions of this ordinance and the nonconforming

right shall be lost.

(e) A nonconforming use of property may be changed to another nonconforming use of a more restrictive classification, provided no structural alterations are made, and that application is made to the Commission for the change of use and allowed by resolution of record. Each application shall be accompanied by a filing fee of $50.00.

ARTICLE XXII

ENFORCEMENT, LEGAL PROCEDURE AND PENALTIES

SECTION 22.1. ENFORCEMENT. The Sheriff, District Attorney, County Surveyor, Building Inspector, County Clerk, Planning Director and all County Officials charged with the issuance of licenses and permits shall enforce the provisions of this ordinance.

SECTION 22.2. BUILDING PERMIT NOT TO BE ISSUED. No building permit shall be issued for the erection or use of any structure or part thereof, or for the use of any land which is not in accordance with the provisions of this ordinance. Any permit issued contrary to the provisions of this ordinance shall be void and of no effect.

SECTION 22.3. LEGAL PROCEDURE. Any building or structure erected or maintained, or any use of property, contrary to the provisions of this ordinance shall be and the same is hereby declared to be unlawful and a public nuisance and the District Attorney

shall immediately commence action or actions, proceeding or proceedings for the abatement, removal and enjoinment thereof, in the manner provided by law; and shall take such other steps, and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such building, structure or use and restrain and enjoin any person from setting up, erecting or maintaining such building or structure, or using any property contrary to the provisions of this ordinance. It shall be the right and duty of every citizen to participate and assist the County Officials in the enforcement of the provisions of this ordinance.

SECTION 22.4. REMEDIES. All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility of correcting prohibited conditions or removing prohibited buildings, structures or improvements, nor prevent the enforced correction or removal thereof.

SECTION 22.5. PENALTIES. Any person, firm or corporation violating any of the provisions of this ordinance or of any permit or exception granted hereunder shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not to exceed Five Hundred Dollars ($500.00) or by imprisonment in the County Jail for not to exceed six (6) months, or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of this ordinance occurs or continues shall be deemed to constitute a separate offense and upon conviction therefor shall be punishable as herein provided.

ADOPTED: September 22, 1960
AMENDED EFFECTIVE: September 27, 1967